



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|---------------------------------|---------------------------------|------------------|
| 10/073,706 | 02/11/2002 | Mihai Adrian Tiberiu Sanduleanu | NL010554 | 4398 |
| 24737 | 7590 | 01/30/2004 | | |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510 | | | EXAMINER CUNNINGHAM, TERRY D | |
| | | | ART UNIT 2816 | PAPER NUMBER |

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------|------------------------|-------------------------------------|--|
| Advisory Action | Application No. | Applicant(s) | |
| | 10/073,706 | SANDULEANU, MIHAI ADRIAN TIBERIU | |
| | Examiner | Art Unit | |
| | Terry D. Cunningham | 2816 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 06 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: ____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-11.

Claim(s) withdrawn from consideration: _____.

8. The drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. Other: _____.

Terry D. Cunningham
Primary Examiner
Art Unit: 2816

Art Unit: 2816

Continuation of No. 2

The amendment filed 06 January 2004 has not been entered since such is not in proper form. The claims lack any correction markings and all state “previously presented”. However, the claims are not consistent with the claims of record. If Applicant wishes the amendment entered, such should be resubmitted in proper form.

Continuation of No. 5

Examiner has fully considered Applicant's remarks for the outstanding rejection and has not found them to be persuasive.

With respect to the rejection under 35 U.S.C. § 112, first paragraph, Applicant remarks “Figure 5 shows input signal i_i , which is mirrored to phase-shift output i_o . The skilled artisan recognizes that Figure 5's i_i corresponds to Figure 4's i_{in} , and Figure 5's i_i and i_o correspond to Figure 4's i_1 and i_2 , respectively. However, since nowhere is this stated in the specification, it is not understood how one skilled in the art would recognize this without conjecture.”

Applicant further remarks as follows:

With regard to Figure 6, applicant first notes that the application specifically describes that the inputs to the circuit can be either voltages or currents (see, e.g., paragraph 0036), and Claim 1 does not specifically require either, so the Examiner's observation that the circuit of Figure 6 receives input voltages does not appear to be relevant. Paragraph 0048 describes that the input voltage is converted into current, and following paragraph: describe this circuit as producing current is and corresponding phase-shifted current i_B at the output.

These statements by Applicant are not understood. Firstly, since the paragraphs in the specification are not numbered, it is not understood what portions of the specification are referred to. However, line 10 of page 8 expressly states that IN+ and IN- are “input voltages”, not currents. And secondly, Applicant's discussion of claim 1 not discussing whether the input

Art Unit: 2816

is a voltage or current is not understood or seen relevant. Clearly, the specification must provide enablement for the claimed invention. Since as presently understood, the circuits of Figs. 5 and 6 cannot be used in the circuit of Fig. 1, between these circuits do not provides the same functionality of element 10 of Fig. 1, it is not seen that the specification enables claims 7 and 8. For a circuit to be used with element 10 of Fig. 1, it must have currents as inputs and produce “two quadrature signals with equal magnitude”. Neither the circuit of Fig. 5 or Fig. 6 meets this requirement.

With respect to the rejection under 35 U.S.C. § 112, second paragraph, since the amendment has not been entered for the reasons discussed above, the rejections are hereby maintained.

With respect to the art outstanding art rejection, all that the claims state is that the “splitting means is an all-pass”. The other details discussed by Applicant are not found in the claims. It is well established that is it is improper impart limitations from the specification into the claims. It is clear in the reference to Ishihara that PS1 is “all-pass”.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 703-308-4872. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Timothy P. Callahan can be reached on 703-308-4876. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2816

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-308-0956.

TC
January 26, 2004

Terry D. Cunningham
Terry D. Cunningham
Primary Examiner
Art Unit 2816